

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17839 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare, appearing for the respondents.

The 2nd respondent herein, in exercise of the powers conferred under Section 3(2) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959, ordered ejectment of the petitioners herein, from the lands in their occupation. Aggrieved by the same, the petitioners preferred appeals, but the same were dismissed by the 1st respondent. Questioning the same, the petitioners preferred revision petition in the month of August, 2006. Though the revision petition was taken on file as C.C.No.2760/M(SW)/2006 dated 11.8.2006, the application filed by the petitioners seeking stay of dispossession was not considered. Hence, this writ petition seeking a declaration that the order of ejectment passed by the Special Deputy Collector, as confirmed by the appellate authority, is arbitrary and illegal.

Since, admittedly, statutory revision is pending, it is not necessary for the Court to go into the merits of the case. However, pending statutory revision, I deem it appropriate to protect possession of the petitioners. It is also brought to my notice that by virtue of the orders of this Court in W.P.No.25420 of 2002, pending appeal before the 1st respondent, there was an order not to dispossess the petitioners from the land in question.

Accordingly, the writ petition is disposed of with a direction that C.C.No.2760/M(SW)/2006, shall be disposed of following due process of law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. Till such time, the petitioners shall not be dispossessed from the land in their occupation. No costs.

(G. ROHINI, J.)

28th August, 2006.

Note: Operative portion by wire.

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WRIT PETITION No.17839 OF 2006

28th August, 2006.

Between:

Marri Siva and others.

.. Petitioners.

And

Agent to Government-cum-District Collector,
Visakhapatnam, District Visakhapatnam and
Others.

.. Respondents.